

City of Bethel Action Memorandum

Action memorandum No.	19-19		
Date action introduced:	February 26, 2019	Introduced by:	Peter Williams, City Manager
Date action taken:	Feburary 26,2019	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:	KM		

Action Title: Letter of Agreement Between The Department Of Public Safety, Alaska State Troopers - Statewide Drug Enforcement Unit And The Bethel Police Department.

Attachment(s): 1 Letter of Agreement.

Individual/Department:	Initials	Remarks:
Chief Burke Waldron/ Police Department		

Amount of fiscal impact:		Account information:
	No fiscal impact.	

Summary Statement

This position is funded in the FY19 BPD budget. This letter of agreement formalizes the working agreement between the BPD and AST in the Task Force. BPD will provide an investigator's salary and benefits as well as basic equipment such as handgun, handcuffs, ballistic vest etc. AST will provide office space, lap-top computer and access to their records management system. BPD will provide a vehicle in the immediate term. However, AST will provide a vehicle for the long term with BPD being responsible for shipping and maintenance costs for the vehicle. With Southwest Alaska being designated as a High Intensity Drug Trafficking Area (HIDTA), much of the overtime and training will be funded through that grant. BPD will be responsible to pay for overtime and training costs not covered by HIDTA funds.

LETTER OF AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC SAFETY, ALASKA STATE TROOPERS - STATEWIDE DRUG ENFORCEMENT UNIT AND THE BETHEL POLICE DEPARTMENT

This Letter of Agreement recognizes the need for coordination in enforcement of state drug and alcohol laws in Alaska and specifically in the Bethel area. This Agreement is entered into with the intent of promoting cooperation between the Department of Public Safety, Alaska State Troopers, Statewide Drug Enforcement Unit (AST, SDEU, Department) and the Bethel Police Department (BPD).

It is recognized that Alaska Statute 18.65.085 established in the Department of Public Safety, Division of State Troopers a narcotics, drug and alcohol enforcement unit for the purpose of investigating and combating the illicit sale and distribution of narcotic drugs and alcohol in the state.

It is recognized that Alaska Statute Title 29 and 12.60.020 authorize the formation of police forces which has been done by the City of Bethel through the City Council and Municipal Code charging the Bethel Police Department in all respects to perform all duties pertaining to public safety.

It is further recognized that Alaska Statute 18.65.090 authorizes the Department of Public Safety to assist other departments of state, municipal and federal governments in the enforcement of criminal laws and regulations. Further both the Department of Public Safety and the Bethel Police Department have a commitment to effective drug and alcohol enforcement in the Bethel area of Alaska. Both parties agree that one method of providing effective drug and alcohol enforcement is the establishment of officers assigned to investigate drugs, alcohol and related crimes on both a regional and local basis.

Both parties agree that establishing a multi-jurisdictional task force in the Bethel regional area may enhance the present drug and alcohol enforcement efforts by promoting better utilization of available resources, increasing communications, expanding intelligence sharing, and improving coordination by a unified direction and balanced attack on drug and alcohol traffickers.

This task force will encourage the involvement of additional agencies and jurisdictions in cooperative enforcement and prosecutorial efforts whenever possible.

In order to facilitate a more efficient utilization of investigative resources, both parties agree that a formal Letter of Agreement would be beneficial to establish and support the drug and alcohol task force consisting of members of both agencies.

Parties to this letter agree:

- 1) The task force shall conduct undercover investigations involving drugs and alcohol in Alaska and specifically in the Bethel area and the Yukon-Kuskokwim Region, and will assist other police agencies located within that area in the interdiction and investigation of sale and possession of illicit drugs and alcohol. Supervision and control of drug and alcohol enforcement efforts outside the jurisdiction of municipal police agencies but within Alaska shall rest with SDEU.
- 2) One BPD officer will be assigned to the task force which will be supervised by an Alaska State Trooper Sergeant. In addition, AST will provide two additional AST investigators. Access to other investigators from SDEU will be provided as needed. The BPD officer shall fall under the BPD's chain of command and report to his/her immediate supervisor on any current events unless the officer is working on a case which is out of BPD's jurisdiction. The

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BPD supervisor will complete the officer's performance evaluation with input provided by the SDEU supervisor.

- 3) By assigning an officer to SDEU, BPD agrees to provide the officer's pay, overtime and fringe benefits, and any worker's compensation claims. BPD will further provide basic personal equipment, including duty-issue weapons, ammunition, handcuffs, baton, OC spray and ballistic vest. BPD will provide a cell phone to the BPD Officer. BPD will provide a vehicle for the officer. When available and mutually agreed upon, the Alaska State Troopers will provide an appropriate vehicle for use by the BPD Officer. BPD will be responsible for the shipping costs for the vehicle to Bethel, ongoing licensing and registration costs and ongoing maintenance and repair costs for the vehicle.
- 4) The Alaska State Troopers will provide office space, including all utilities, a work area, a computer, Alaska Records Management System (ARMS) access and training, and other office and investigative supplies, as needed. Secure evidence storage for task force cases will be provided by SDEU.
- 5) The Alaska State Troopers agree to provide undercover funds to the task force, contingent on money being allocated for such purposes in the Department's budget. These funds will be maintained by an SDEU investigator assigned to the unit and accounted for in the manner consistent with the standard operating procedures for SDEU. These funds will be available to pay informants, purchase drugs or alcohol during undercover buys, and to pay for undercover investigative expenses.
- 6) SDEU will provide travel and per diem at the State rate for the BPD officer traveling outside the Bethel area on authorized task force investigations.
- 7) BPD agrees to provide all intelligence information, statistical data and case reports to SDEU on illicit drug and alcohol activity and investigations in the Bethel area.
- 8) The seized and forfeited revenue produced by the task force will be shared in an equitable manner by the participating agencies. It is agreed that the SDEU investigators and the BPD officer will coordinate completion of all asset forfeiture paperwork with the SDEU Administrative Supervisor in accordance with SDEU's standard operating procedures.

For cases where currency is forfeited under state laws, SDEU will be responsible for sharing of final forfeiture funds. The disposition of real property, vehicles, 4-wheelers, snow machines, motorcycles and other equipment seized under state laws will be discussed by the SDEU Commander and/or Deputy Commander, the Director/Chief of Bethel Police Department and the agency head of any other agency involved in the investigation.

For cases where currency and/or real property, vehicles, 4-wheelers, snow machines, motorcycles and other equipment are seized through the federal asset process, both agencies will receive equitable sharing based on the current applicable Federal Equitable Sharing Guidelines. SDEU investigators and the BPD officer will assist in preparing the federal adoption paperwork and each agency will be responsible for filing the necessary paperwork for equitable sharing in accordance with Federal equitable sharing guidelines.

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SAFETY, ALASKA STATE TROOPERS - STATEWIDE DRUG
ENFORCEMENT UNIT AND THE BETHEL POLICE DEPARTMENT

- 9) The State agrees to defend, indemnify, and hold harmless the BPD officer and City of Bethel, and its employees, in the same manner and to the same extent the State protects itself and its employees from any claim, demand, suit for property damages or personal injury including death allegedly caused by the BPD officer if:
- a) at the time of the occurrence he was acting in good faith within the course and scope of his SDEU duties and in accordance with the directions of the SDEU Team Leader;
 - b) the BPD officer or department provide immediate notice to the State of any claim;
 - c) the BPD officer and department cooperate in the defense and do not stipulate to any judgment or settlement without the State's approval. In consideration of the benefits received from participating in SDEU and the protection offered by this agreement, the BPD officer:
 - 1) transfers his right to recover from others who may be responsible for the injury, illness or disease to the State and or its assigns;
 - 2) agrees to cooperate and do everything necessary to enable the State and/or its assigns to enforce the right to recover from others.
- 10) SDEU will supervise all task force operations. Approval of overtime for joint investigations shall be the responsibility of BPD. The BPD supervisor will address all other personnel issues not covered in this Agreement.

The term of this Agreement shall be from the date of signature by the both agency representatives for a period of 24 months OR until dissolved by mutual consent. The goal of this agreement is to facilitate the following activities:

- a) The disruption of illicit drug and alcohol traffic in the State of Alaska, primarily in the Bethel area.
- b) Gather and report intelligence data relating to the trafficking in narcotics, dangerous drugs and illicit alcohol in Alaska.
- c) Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that violators of Alaska law and Federal law, relating to illicit drug and alcohol trafficking, might be effectively prosecuted in Alaska and Federal courts.

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For:
Alaska State Troopers
Statewide Drug Enforcement Unit

For:
Bethel Police Department

Colonel Barry Wilson
Director, AST

Chief Burke Waldron
Bethel Police Chief

Date Signed

Date Signed

Amanda Price
Commissioner, DPS

Peter Williams
Bethel City Manager

Date signed

Date signed